

REMARKS

Applicants' attorney wishes to thank the Examiner for the careful consideration given this case. Claims 6 and 9 are pending in this case. Claim 7 is withdrawn from consideration. Claim 9 is amended herein and support for the amendments maybe found on page 14, lines 1 to 5 of the present application. This response addresses those issues raised in the Office Action dated April 7, 2003. It is respectfully submitted that the claims as presently amended are in form for allowance. Response to that extent is earnestly requested.

The Examiner asserts that Claim 9 is broad and what is being argued is not clearly claimed. In particular, the Examiner holds that Claim 9 does not clearly claim sealing both ends of the tube. (See Page 3 of the present Office Action). Applicants have amended Claim 9 to address these concerns of the Examiner.

The Examiner rejects Claims 6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Coplan et al. (U.S. Patent No. 4,0167,030) in view of Sakurada et al. (U.S. Patent No. 5,993,843). The invention, as presently claimed, is able to release liquid pheromone through the diffusable and permeable wall into the air. The claimed invention is effective as a dispenser of pheromone even though the upper end is closed.

In contrast, neither Sakurada et al. nor Coplan et al. teaches the use of plastic tubes having a diffusivity and a permeability to a liquid synthetic pheromone. In its presently amended form, Claim 9 recites limitations that are not taught or fairly suggested by the cited references. As the Examiner is aware, to establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested in the cited references. MPEP §

2143.01. It is submitted that the cited references do not satisfy this requirement in the claims as presently amended. Reconsideration and withdrawal of this rejection are respectfully requested.

Further, the Examiner states that he believes that Coplan et al. discloses a closed sealing end and the other end being closed by a meniscus. (See Page 4 of the present Office Action). Applicants submit that a meniscus does not close the end of a tube full of fluid. A meniscus is the curved surface of a liquid in a container at the liquid/gas interface as is clearly indicated in Figs. 1 and 4b of Coplan et al. Indeed, the abstract of Coplan et al. states "The filamentary conduit has **one open and one closed end.**" (emphasis added). Applicants strongly submit that the Coplan et al. reference does not teach two closed ends. In fact, Coplan et al. achieve release of pheromone through the open end of the tube.

Pheromone deposited in the core of hollow filaments of appropriate lengths and internal diameter is released by evaporation from one end of a small tube, the other end being sealed. Col. 8, lines 33-35.

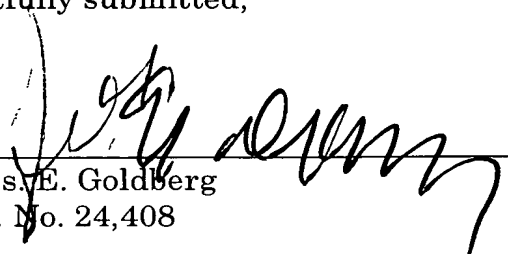
It is respectfully submitted that the Coplan et al. reference in fact teaches away from the present invention. The present invention, as claimed, teaches the release of liquid pheromone through the diffusable and permeable wall into the air, in direct contrast to Coplan et al. As the Examiner is aware, a *prima facie* case of obviousness may be successfully rebutted by showing that the cited art, in any material respect, teaches away from the claimed invention. *In re Geissler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997) MPEP 2144.05. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present obviousness rejection.

In view of the amendments to the claims and the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

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By


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